

MINUTES OF REGULAR MEETING
SUGAR CITY COUNCIL
THURSDAY, OCTOBER 23, 2008

Presiding: Mayor Glenn W. Dalling
Meeting Convened at 6:30 p.m.
Prayer: Lamont Merrill
Pledge of Allegiance

Present: Mayor Dalling; Sharon L. Bell, Clerk; Marcie A. Smith, Treasurer; Councilmembers Harold Harris, Bruce King, Brad Orme and Lamont Merrill; and Brian Hawkes, Planning & Zoning.

The Mayor asked if there were any corrections to the minutes of the regular meeting held on September 25, 2008. Each councilmember had a copy of said minutes prior to the meeting. It was moved by Councilmember Orme and seconded by Councilmember Harris to accept said minutes; motion carried. The mayor requested an entry in the record that the regularly scheduled meeting for Thursday, October 9, 2008, was canceled due to lack of a quorum.

Marcie presented the September reconciliation reports for the General Fund. It was moved by Councilmember Harris and seconded by Councilmember Orme to accept the September reconciliation reports for the General fund; motion carried. Marcie presented the September reconciliation reports for the Utility Fund. It was moved by Councilmember Orme and seconded by Councilmember King to accept the September reconciliation reports for the Utility Fund; motion carried.

Marcie presented the current bills in the amount of \$106,448.90. It was moved by Councilmember Orme and seconded by Councilmember King to pay the current bills, together with all regular October bills that have not yet been received; motion carried.

PLANNING & ZONING REPORT: P&Z Chairman Brian Hawkes addressed the council.

Tribute to Paul Lusk: Brian reported that the P&Z Commission desired to do something special for Paul Lusk's family and will present to them a Kendall Davenport picture.

Transportation and Land Use Maps: P&Z has issues with the transportation and land use maps. The commission is using Forsgren Associates to prepare the maps in connection with the transportation study that Forsgren is conducting. The maps are necessary to complete the comprehensive plan, which then must be approved by the Madison County Commissioners. After this approval by the county, P&Z will prepare a city zoning map.

Tentative Public Hearings – Land Use Map and Title 10: Brian reported that the land use map is ready for public hearing again. The commission has made changes to Title 10 and would like to take these changes to public hearing on December 4.

JURISDICTION IN IMPACT AREA: Discussion was had on a problem with a building permit that the county issued to Tom Price, owner of Teton Trailways, which is located in the city's impact area. Dan Yardley, whose property abuts the back of the Teton Trailways property, disputed the setback requirements followed by Mr. Price. The mayor said there are differences in the regulations set for the city and those set for the impact area. The new Teton Trailways building is within five feet of the rear of the property line. If the property were in the city, a 15-foot setback would be required. The county issued the permit in July of 2007 and never contacted the city about it. Sugar City should have five days to review it. P&Z Chair Brian Hawkes mentioned sunset clauses. If building is not started within a year of the issuance of the permit, the applicant must reapply for a new permit. The county has a two-year sunset clause. Brian also feels that we need to have the county review Teton Trailways' business license to see if the business is in conformity with county rules. A few years ago, there were only a few buses. Now they have 42.

The mayor asked Brian Hawkes to resolve this problem when the commission meets with the Madison County P&Z Commission.

A discussion was had about getting on the county commissioners' agenda to explain our problem to them. Sharon was asked to schedule a time on their next agenda. We need to talk with the county commissioners about the proper procedure when building permits and other issues come about in the impact area and who has jurisdiction in the impact area. We want to work with Madison County and make this a win-win situation. (We talked with County Clerk Marilyn Rasmussen, who suggested we start with the two Planning & Zoning Commissions and if that is not enough, then come to the commissioners.)

DISCUSSION ON PROPOSED DOG ORDINANCE: Sharon reported she talked with Ken Harward of the Association of Idaho Cities about amending an ordinance with a resolution, specifically our ordinance containing dog ordinance fee information. Mr. Harward stated that you cannot amend an ordinance with a resolution and vice versa. He said to state in the ordinance that the fees will be set by resolution and then to pass a resolution setting those fees. This resolution may then be amended by resolution. He also said he would be willing to review our ordinance and resolution once they are drafted. Marcie led a discussion section by section on the proposed dog ordinance, during which changes were suggested. Councilmember King will enter said changes in the master file and present the file to the Planning and Zoning Commission for comment. Sharon and Marcie were asked to draft the resolution.

UPDATE ON BIKE PATH: Councilmember Harris reported on the four light poles to be placed on the bike path. Rocky Mountain Power bid the project at \$9,000, plus lights and poles. Pole Line Construction bid \$3,800 to set four poles. Leishman Electric would furnish four lights, go up the pole, furnish the bucket truck and wire them for \$2,950. It would cost the city a total of \$6,800 if we don't have Rocky Mountain Power do it. Rocky Mountain Power will bring power to the poles at no cost to the city. The City of Rexburg needs to approve this decision because they will share 50% of the cost.

REXBURG ELECTRICAL, PLUMBING AND MECHANICAL INSPECTIONS – COUNTY INSPECTION FEES, BUILDING INSPECTION FEES: Discussion was had on using Rexburg's three electrical, plumbing and mechanical inspectors to do Sugar City work rather than using state inspectors. The City Council had a motion approving it and the mayor wrote a letter. The Rexburg inspectors have come back with a fee schedule. Discussion was had

on the letter received from the City of Rexburg, dated October 8, 2008, about a charge of 5% less than what the state is charging Sugar City. The mayor asked Councilmember Harris to work on this with Rexburg and to negotiate with the county building inspector on the price of the county's inspections.

SUGAR CITY – CAPITAL FOR A DAY, ON FRIDAY, OCTOBER 31: The mayor reported there is a planning meeting set for 9:30 a.m. on Monday, October 27, to address the events of October 31, at which Governor Butch Otter, along with his key people, will preside. The planning meeting will be followed by a press conference at 11 a.m. The governor's team will arrive in Sugar City at approximately 8:30 a.m. on October 31, with the state police providing transportation. Local Boy Scout Troops will display American flags along Center Street. The central feature of the event will be a public forum in the high school auditorium, with a no-host lunch provided by Sugar-Salem High School for \$5 per plate at noon and state business in the afternoon. A discussion was had on what Sugar City concerns to talk about with the governor and his staff. The mayor noted this is where we can make Sugar City's wants and needs known.

NOVEMBER AND DECEMBER SECOND MONTHLY MEETINGS: It was moved by Councilmember Orme and seconded by Councilmember Merrill that, unless pressing circumstances arise, we cancel our second meeting in November, since it conflicts with Thanksgiving, and also our second meeting in December, since it conflicts with Christmas; motion carried.

CHRISTMAS PARTY: It was moved by Councilmember Orme and seconded by Councilmember Harris to set our annual Christmas party for city officials, employees and spouses for Thursday, December 4, at 6 p.m.; motion carried.

DEPARTMENT REPORTS:

COUNCILMEMBER HARRIS: No report.

COUNCILMEMBER ORME: No report.

COUNCILMEMBER KING: No report.

COUNCILMEMBER MERRILL:

Business Park Wastewater Line: Lamont reported the contractor for our business park had a timeline of November 5. It is his recommendation to let the project go until spring, since the water is still high.

Business Park Lots: The mayor reported that Clair Boyle has deposits on four of the lots in the business park.

MAYOR'S BUSINESS:

Department of Water Resources – Toscano Well: The mayor reported that Toscano has applied for a well permit and that the Twin Falls Canal Company has challenged it. Husk Crowther of Forsgren Associates said the Twin Falls Canal Company also challenged Shelley's application for a well. He advised the city to wait until the Shelley lawsuit is settled to see what decision is rendered. He will call the attorney for the Twin Falls Canal Company to see if Sugar City can work with the company to avoid a court challenge. The mayor said a water analysis by Forsgren Associates is under way.

Boom Truck: Discussion was had on purchasing a 1988 boom truck from Bill's All

Wheels in Rigby. **MOTION:** It was moved by Councilmember King and seconded by Councilmember Merrill to authorize the expenditure of \$6,500 for a boom truck for use by Sugar City staff; motion carried.

Meeting adjourned at 9:35 p.m.

Signed: _____
Glenn W. Dalling, Mayor

Attested: _____
Sharon L. Bell, Clerk